

**HOUSE . . . . . No. 1652****The Commonwealth of Massachusetts**

PRESENTED BY:

**Alice Hanlon Peisch***To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act ensuring confidentiality for victims of rape and domestic violence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice Hanlon Peisch	14th Norfolk
Christine E. Canavan	10th Plymouth
John D. Keenan	7th Essex
Jennifer M. Callahan	18th Worcester
Barbara A. L'Italien	18th Essex
Tom Sannicandro	7th Middlesex
John W. Scibak	2nd Hampshire
Steven M. Walsh	11th Essex
Alice K. Wolf	25th Middlesex
Danielle W. Gregoire	4th Middlesex
Richard J. Ross	9th Norfolk
Michael F. Rush	10th Suffolk
Timothy J. Toomey, Jr.	26th Middlesex
Susan C. Fargo	Third Middlesex
Martha M. Walz	8th Suffolk
Karen E. Spilka	Second Middlesex and Norfolk
Cheryl A. Coakley-Rivera	10th Hampden
Geraldo Alicea	6th Worcester
Katherine Clark	32nd Middlesex

Thomas P. Conroy	13th Middlesex
Bruce E. Tarr	First Essex and Middlesex
Cory Atkins	14th Middlesex
Ellen Story	3rd Hampshire
Mary E. Grant	6th Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1673 OF .]

## **The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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### **AN ACT ENSURING CONFIDENTIALITY FOR VICTIMS OF RAPE AND DOMESTIC VIOLENCE.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority  
of the same, as follows:*

1 SECTION 1. Section 97(D) of chapter 41 of the General Laws, as appearing in the 2006 Official Edition, is hereby  
2 amended by striking the entire section and adding the following language:

3 All reports of rape and sexual assault or attempts to commit such offenses, all reports of abuse perpetrated by family  
4 or household members as defined in G.L. 209A, section 1, and all conversations between police officers and victims  
5 of said offenses and abuse shall not be public reports and shall be maintained by the police departments in a manner  
6 which will assure their confidentiality, except that all such reports shall be accessible at all reasonable times to the  
7 victim and victim's attorney, to others specifically authorized by the victim to obtain such information, and to  
8 prosecutors, victim-witness advocates as defined in section 1 of chapter 258B, domestic violence victim's  
9 counselors as defined in section 20K of chapter 233, sexual assault counselors as defined in section 20J of chapter  
10 233, and to other law enforcement officers, if such access is necessary in the performance of their duties.  
11 Conversations between police officers and victims of said offenses and abuse may also be shared with the forgoing  
12 named persons if such access is necessary in the performance of their duties.

13 Whoever violates any provision of this section shall be punished by imprisonment for not more than one year or by a  
14 fine of not more than one thousand dollars, or both.

15 SECTION 2. Section 98F of chapter 41 of the General Laws, as appearing in the 2004 Official Edition, is hereby  
16 amended by striking the entire section and adding the following language:

17 Each police department and each college or university to which officers have been appointed pursuant to the  
18 provisions of section sixty-three of chapter twenty-two C shall make, keep and maintain a daily log, written in a  
19 form that can be easily understood, recording, in chronological order, all responses to valid complaints received,  
20 crimes reported, the names, addresses of persons arrested and the charges against such persons arrested. All entries  
21 in said daily logs shall, unless otherwise provided in law, be public records available without charge to the public  
22 during regular business hours and at all other reasonable times; provided, however, that any entry in a log which  
23 pertains to a handicapped individual who is physically or mentally incapacitated to the degree that said person is  
24 confined to a wheelchair or is bedridden or requires the use of a device designed to provide said person with  
25 mobility, any information concerning responses to reports of domestic violence, rape or sexual assault, or any entry  
26 concerning the arrest of a person for assault, assault and battery, or violation of a protective order where the victim  
27 is a family or household member, as defined in G.L. 209A, section 1, shall be kept in a separate log and shall not be  
28 a public record nor shall such entry be disclosed to the public.